



15 AUG 2007

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In re Application of	:	
DREW, Daniel Maxwell	:	
Application No.: 10/525,420	:	
PCT No.: PCT/AU03/01090	:	DECISION ON
Int. Filing Date: 27 August 2003	:	
Priority Date: 27 August 2002	:	PETITION
Attorney Docket No.: 034381-001	:	
For: PROCESSES FOR TREATMENT OF	:	UNDER 37 CFR 1.47(a)
WASTEWATER, SEPARATION,	:	
DEODORIZATION AND RE-USE OF	:	
BIOSOLIDS	:	

This decision is in response to applicant's petition under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office on 06 October 2006.

### **BACKGROUND**

On 27 August 2003, applicant filed international application PCT/AU03/01090. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 11 March 2004. The deadline for entry into the national stage in the United States was 27 February 2005.

On 23 February 2005, applicant filed a submission for entry into the national stage in the United States which was accompanied by the basic national fee.

On 08 March 2006, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905), indicating that an oath or declaration of the inventors and the small entity surcharge for late filing of the search fee, examination fee or oath or declaration were required. The notification set a two month extendable period for reply.

On 06 October 2006, applicants filed a declaration of the inventors accompanied by a petition under 37 CFR 1.47(a) and the fee for a five month extension of time.

### **DISCUSSION**

A petition under 37 CFR 1.47 must be accompanied by: (1) the fee under 37 CFR 1.17(h), (2) proof of pertinent facts, namely that the inventor refuses to sign after being presented with the application papers or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, and (4) an oath or declaration by the 37 CFR 1.47(a) applicant on behalf of himself or herself and the non-signing applicant.

Items (1) and (4) have been satisfied. The \$200 petition fee has been paid. The declaration is in compliance with 37 CFR 1.497(a)-(b) and 1.47. Item (3) has been satisfied as to inventor Darryl K. Josey. His last known address is listed as: 15-17 Boardman Street; Kallangur, Queensland 4503; Australia.

Item (2) has not been satisfied. Applicants are claiming that inventors Drew and Josey have refused to sign an oath or declaration. However, applicants have not furnished evidence of receipt of the complete copy of the application papers, including the declaration, by the non-signing inventors. Both the petition and the letters indicate only that a declaration and an assignment were forwarded to the inventors. Failure to execute a declaration in the absence of presentation with a complete copy of the application papers is not ordinarily sufficient to establish refusal to join. MPEP 409.03(d).

Item (3) has not been satisfied as to Daniel Maxwell Drew. Applicants have listed two addresses as the last known address for the inventor. Under MPEP 605.03, applicant must provide the last known home address of the inventor, while additional contact addresses are appreciated. MPEP 409.03(e). It is not clear which address is the last known home address.

### CONCLUSION

For the above reasons, applicants' petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Failure to timely file the proper response will result in abandonment of this application. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required.

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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